An Explanation: How Tape Could Supply Answers to Questions on Hush Money

By DAVID E. ROSENBAUM

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WASHINGTON, May 21—If President Nixon authorized payments or a lighter sentence for a convicted criminal in return for the criminal's silence about the facts of his crime, then the President participated in an obstruction of justice. Few Congressmen doubt that that would be an impeachable offense.

The House Judiciary Committee heard today the one tape recording that might, more than any other single piece of evidence, prove the President's complicity or lack of involvement in such a crime.

That tape is of the President's meeting on March 21, 1973, with John W. Dean 3d, then the White House counsel, and H. R. Haldeman, then Mr. Nixon's chief of staff.

From the edited transcript of the tape, made public by the White House three weeks ago, several points seem indisputable:

¶On March 21, 1973, Mr. Dean laid out the Watergate case in detail for the President — the first time Mr. Dean had done so.

¶Mr. Dean told the President that E. Howard Hunt Jr., who had pleaded guilty in the Watergate burglary case, had threatened to expose "seamy things" he had done for the White House if he were not paid an additional sum of money.

¶Time and again, Mr. Nixon and his aides discussed whether Mr. Hunt should be paid as much as $1-million in hush money, and Mr. Nixon, so far as the transcript shows, did not specifically reject the idea of a payoff.

¶Mr. Nixon rejected the idea of granting Mr. Hunt executive clemency.

Some Critical Points

Nonetheless, a number of critical points are not clear fro a reading of the transcript. They might become more apparent from listening to the actual tape, as the Judiciary Committee did in closed session. Among the unanswered questions are the following:

¶What was the President's reaction to Mr. Dean's disclosures?

¶Did Mr. Nixon discuss the matter of "hush money" as a devil's advocate—"just thinking out loud," as he once said—or did he intend that the payment should be made?

¶Did the President, while specifically rejecting clemency, approve easing Mr. Hunt's sentence through commutation or early parole?

Below follows an explanation of how some of the unanswered questions might be clarified by the tape of the March 21 meeting:

Nixon's Reaction

According to Mr. Nixon, it was not until the March 21 meeting that he learned of the Watergate cover-up. At earlier meetings, the transcripts show, Mr. Dean hinted at the cover-up in broad strokes but never painted a full picture.

Nonetheless, if the President did not learn the full facts until March 21, it must be assumed that his most trusted assistants—Mr. Haldeman, Mr. Ehrlichman and John N. Mitchell—had withheld the information from Mr. Nixon, available transcripts show nothing to the contrary.

Shortly after the March 21 meeting began, Mr. Dean told the Prseident why he had asked for the meeting.

"The reason that I thought we ought to talk this morning," Mr. Dean said, "is because in our conversations I have the impressions that you don't know everything I know, and it makes it very difficult for you to make judgments that only you can make on some of these things and I thought that—"

The President interrupted, "In other words, I have to know why you feel that we shouldn't unravel something?"

Tone of Voice

Did the President ask that question in an incredulous voice, with the accent on "unravel something?" Or did he ask the question in a matter-of-fact tone? The transcripts do not establish that point, but the tape might.

Hush Money

Throughout the conversation on March 21, the President and Mr. Dean came back to the question of paying Mr. Hunt for his silence. The following exchange could be more clear on the tape than it is in the transcript:

Mr. Nixon: Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?

Mr. Dean: I think that is—I talked with Mitchell about that last night and—

Mr. Nixon: It seems to me we have to keep the cap on the bottle that much or we don't have any options.

Mr. Dean: That's right.

Mr. Nixon: Either that or it all blows right now?

Mr. Dean: That's the question.

Once again the question marks at the end of Mr. Nixon's comments were placed by the transcriber. How forcefully did Mr. Nixon say "damn soon" and "it all blows right now"? Was the statement about keeping "the cap on the bottle" in the nature of a directive or an offhand remark? The tape might provide the answer.

Later, Mr. Nixon said, "You have no choice but to come up with the $120,000, or whatever it is. Right?"

Mr. Dean replied, "That's right."

And the President stated, "Would you agree that that's the prime thing that you damn well better get that done?"

Mr. Dean said, "Obviously he ought to be given some signal anyway."

And the President, according to the transcript, declared, "(expletive deleted), get it."

Was the President ordering Mr. Dean to raise the money? According to one committee member, the expletive was "God damn it."

At another point, the President and Mr. Haldeman had the following exchange:

Mr. Nixon: In the end we are going to be bled to death. And in the end, it is all going to come out anyway. Then you get the worst of both worlds. We are going to lose, and people are going to ——

Mr. Haldeman: And look like dopes.

Mr. Nixon: And, in effect, look like a cover-up. So that we can't do.

The transcript does not make clear whether Mr. Nixon was being fatalistic and saying that he could not afford to have the situation look like a cover-up or whether he was ordering that the money not be paid.

Clemency

The President rejected a specific offer of executive clemency to Mr. Hunt. The following exchange suggests that the reason was not because clemency would be legally or morally wrong but because it was not politically feasible:

Mr. Dean: I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.

Mr. Nixon: You can't do it politically until after the '74 elections, that's for sure. Your point is that even then you couldn't do it.

Mr. Dean: That's right. It may further involve you in a way you should not be involved in this.

Mr. Nixon: No—It is wrong, that's for sure.

But at other places in the transcript, Mr. Nixon mentions easing Mr. Hunt's sentence through "commutation" or "parole."

After expressing "sadness" that Mr. Hunt's wife had been killed in an airplane crash, Mr. Nixon mentioned that he had once discussed Mr. Hunt's problems with someone he did not identify and added, "I said, of course, commutation could be considered on the basis on his wife's death."

Other transcripts show that Mr. Nixon was probably referring to a January conversation he had had with Charles W. Colson, then special counsel, about clemency for Mr. Hunt. The committee has requested, but has not received, the tapes of Mr. Nixon's January conversations with Mr. Colson.

Elsewhere in the March 21 meeting, the conversation returned to Mr. Hunt's problems, and Mr. Nixon declared, "The only thing we could do with him would be to parole him like the (unintelligible) situation. But you couldn't buy clemency."

The committee's superior electronic equipment might be able to decipher the unintelligible passage and, by doing so, add to the evidence on whether the President wanted to help Mr. Hunt.

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